

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6019**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SCOTTY ROACH,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. Frank W. Bullock, Chief District Judge. (CR-93-122, CA-98-432)

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**No. 99-6082**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SCOTTY ROACH,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Frank W. Bullock, Chief District Judge. (CR-93-205, CA-98-431)

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Submitted: May 25, 1999

Decided: June 1, 1999

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Before ERVIN, WILKINS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Scotty Roach, Appellant Pro Se. John Warren Stone, Jr., Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated cases, Scotty Roach seeks to appeal the district court's orders dismissing his motions filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998).<sup>\*</sup> In both cases, Roach's motion was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Roach that failure to file timely objections to the recommendations could waive appellate review of a district court order based upon the recommendations. Despite this warning, Roach failed to file timely objections to the magistrate judge's recommendations.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Roach has waived appellate review by failing to file timely objections after receiving proper notice. We accordingly deny a certificate of appealability and dismiss the appeals. We dispense with oral argument because the facts and

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<sup>\*</sup> In addition, Roach appealed the district court's orders denying his motion for an extension of the time in which to object to the magistrate judge's report and for the production of documents. We have reviewed the district court's orders and find no abuse of discretion.

legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED